

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**DAVETTE ESPARZA,**

**Plaintiff,**

**v.**

**BANK OF AMERICA, N.A.  
and RODERICK WILSON,**

**Defendants.**

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**CIVIL ACTION NO. 3:12-cv-00662-D**

**DECLARATION OF MELISSA GONZALEZ**

I, Melissa Gonzalez, pursuant to 28 U.S.C. § 1746, hereby state and declare as follows:

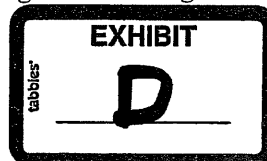
1. I am over the age of 18. I have personal knowledge of the facts set forth in this Declaration and could testify competently regarding the facts below.

2. I am currently an Area Operations Manager for Bank of America, N.A. (the "Bank") located in Dallas, Texas.

3. Prior to becoming an Area Operations Manager, I was the Consumer Market Executive for the Dallas area. As the Consumer Market Executive, I managed the Consumer Market Managers in the Dallas area who were each responsible for approximately ten to fourteen banking centers.

4. One of the Consumer Market Managers who reported to me was Roderick Wilson. In turn, Davette Esparza, the Banking Center Manager at the Wheatland Banking Center reported to Mr. Wilson.

5. A Banking Center Manager is the most senior associate in a banking center, responsible for all aspects of the banking center, and given broad discretion and responsibility to ensure their banking center performs successfully consistent with the Bank's policies and practices. Among other things, the Banking Center Manager sets the schedules for the associates



working in the banking center, including their own, assigns tasks, issues discipline, and has the ability to focus the efforts of the associates on matters of service and compliance as they feel necessary.

6. Banking centers are subject to periodic audits referred to as a Banking Center Control Review ("BCCR") audits which involve a review the banking center's compliance with the Bank's policies and procedures and measure its operational performance. In order to help ensure that the banking centers are complying with the Bank's policies and procedures and prepare the banking centers for a BCCR audit, regional management conducts mock audits of the banking centers. Violations of policy and procedure identified during the mock audits, which are referred to as "findings", should be corrected immediately and are not expected to reoccur.

7. On June 9, 2011, a BCCR audit was conducted at the Wheatland Banking Center which at the time was managed by Ms. Esparza. The audit revealed fifteen different findings, three of which were issues that had been identified in the mock audit, referred to by the Bank as "repeat findings." The results were particularly concerning because they were in areas intended to mitigate the risk of losses to the Bank, including Anti-Money Laundering Compliance, Teller Function / Cash Counts, Consignment Items, Proof Work, and New Account Controls.

8. Attached as Exhibit 1 to my Declaration are a true and accurate copy of the June 9, 2011 BCCR audit results and an email sent by Michael Rogers to me, Mr. Wilson, and Ms. Esparza regarding the June 9 2011 BCCR results.

9. On June 13, 2011, Roderick Wilson and I met with Ms. Esparza and Thomas Mungia, the Assistant Banking Center Manager, to discuss the results of the audit and to issue them written warnings. Attached as Exhibit 2 to my Declaration is a true and accurate copy of the written warning issued by me and Mr. Wilson to and signed by Davette Esparza on June 13, 2011.

10. In order to allow other Banking Centers in the region to improve their audit performance and compliance with Bank policies and procedures generally, it was my practice is to discuss BCCR results on her periodic leadership calls with all of the banking center managers in the region so that all Banking Center Managers could benefit from the lessons learn from an audit. On June 15, 2011, I discussed the results of the Wheatland Banking Center audit during a leadership call.

11. The audit of the Wheatland Banking Center was discussed on the leadership call because it was the most concerning. The combination of the high number of findings, repeat findings, and the sensitive area in which the findings occurred, caused the audit to stand out as the worst of all the banking centers in the area.

12. On June 14, 2011, prior to the leadership call, Ms. Esparza was informed the audit of the Wheatland Banking Center would be discussed on the call and provided a copy of the PowerPoint presentation to be used in conjunction with the discussion of her audit. Ms. Esparza did not voice any concerns about the discussion of the audit or the PowerPoint presentation.

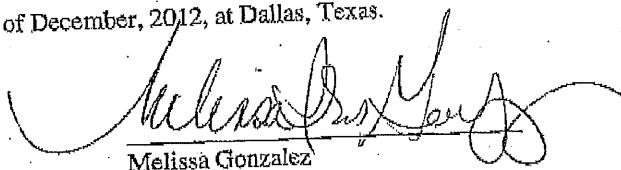
13. On July 18, 2011, Mr. Wilson and I met with Ms. Esparza to issue her a final written warning as a result of Ms. Esparza's continued poor performance, failure to meet deadlines, and the numerous concerns raised by her staff. Attached as Exhibit 3 to my Declaration is a true and accurate copy of the final written warning issued by me and Mr. Wilson to and signed by Ms. Esparza on July 18, 2011.

14. Attached as Exhibit 4 to my Declaration is a copy of the portion of the PowerPoint presentation used during the June 14, 2011 leadership call containing the results of the June 9, 2011 BCCR of the Wheatland Banking Center.

15. Attached as Exhibit 5 to my Declaration is a true and accurate copy of the Bank's FMLA policy in effect during 2011.

I declare that under penalty of perjury under the laws of the United States of America the foregoing is true and correct.

Executed on this 13 day of December, 2012, at Dallas, Texas.



Melissa Gonzalez

### Our Core Values

Together we: ■ Deliver for our customers, clients and shareholders | ■ Trust in our team | ■ Act responsibly  
■ Embrace the power of our people | ■ Promote opportunity

#### Confidential and Proprietary Bank of America

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**From:** Rogers, Michael R

**Sent:** Friday, June 10, 2011 8:42 AM

**To:** Wilson, Roderick E; Gonzalez, Melissa I; Esparza, Davette; Mungia, Thomas; Staver, Christopher B; Hegar, Yvonne

**Subject:** RE: BCCR-Score WHEATLAND AND I-20/0099-0005454

Team,

The results are disappointing – big decline from previous audit. I am very concerned to see 3 repeat findings and 15 additional findings for a total of 18 findings. This requires a team effort to immediately correct and establish solid routines, inspections and hold all accountable. Your center needs immediate actions to correct – remember this not about correcting to drive a score; but a commitment and passion for managing risk. Establish a risk culture in your banking center. We must have daily focus on managing risk – protect our customers, build trust, avoid losses, protect and educate our associates.

Focus areas:  
Repeat finding  
Proof Work  
Cash counts

These are huge risk concerns – this must be addressed.

I have a few questions/concerns:

- Is the store fully staffed? When was the last market visit?
- What was the action plan from that visit?
- What is daily/weekly/monthly observation/inspection process?
- Does the team understand “why” and can clearly articulate why risk/operations are so important?
- What caused the repeat findings?
- What will change?

The focus and intensity to correct and sustain starts today.

Mike

The BCCR team has completed the review of your banking center. Scoring results of the review are provided below:

**Banking Center Name:** WHEATLAND AND I-20

**Company Code/Cost Center:** 00099 / 0005454



**BOA000097**

**Market Name:** DFW Central  
**Entered by:** DEANA HALEY  
**Scope:** FULL  
**Reason:** Early Warning System  
**Date of BCCR Review:** 06/09/2011

**# of Consecutive Unsat Reviews** 0  
**(scores 0-4):**  
**Repeat Reportable Findings:** 3  
**Reportable Findings:** 15  
**OVERALL BCCR**  
**Percentage:** 86.9 %  
**Score:** 6  
**Rating:** Needs Improvement  
**Prev Percentage:** 92.0 %  
**Prev Score:** 7  
**Prev Rating:** Satisfactory  
**PLATFORM**  
**Percentage:** 86.4 %  
**Score:** 6  
**Rating:** Needs Improvement  
**TELLER**  
**Percentage:** 70.9 %  
**Score:** 2  
**Rating:** Unsatisfactory

**Overall BCCR Sections**

Compliance	Percentage: 91.0	Score: 7	Rating: Satisfactory
Center Security	Percentage: 93.7	Score: 8	Rating: Satisfactory
Consignment Items	Percentage: 62.5	Score: 0	Rating: Unsatisfactory
Standard Authority Limits	Percentage: 100.0	Score: 10	Rating: Excellent
New Account Controls	Percentage: 82.2	Score: 5	Rating: Needs Improvement
Night Deposit/Package Forward	Percentage: 75.0	Score: 3	Rating: Unsatisfactory
Proof Work	Percentage: 46.2	Score: 0	Rating: Unsatisfactory
Safe Deposit Box	Percentage: 100.0	Score: 10	Rating: Excellent
Teller Functions/Cash Counts	Percentage: 68.2	Score: 1	Rating: Unsatisfactory
Vault Controls	Percentage: 100.0	Score: 10	Rating: Excellent
Wire Controls	Percentage: 100.0	Score: 10	Rating: Excellent
Anti-Money Laundering Compliance	Percentage: 85.7	Score: 6	Rating: Needs Improvement
Operating Overview	Percentage: 94.4	Score: 8	Rating: Satisfactory

**BCCR Platform Sections:**

Compliance	Percentage: 84.0	Score: 5	Rating: Needs Improvement
Center Security	Percentage: 100.0	Score: 10	Rating: Excellent
Consignment Items	Percentage: 100.0	Score: 10	Rating: Excellent
Standard Authority Limits	Percentage: NA	Score: NA	Rating: NA
New Account Controls	Percentage: 82.2	Score: 5	Rating: Needs Improvement
Night Deposit/Package Forward	Percentage: NA	Score: NA	Rating: NA
Proof Work	Percentage: NA	Score: NA	Rating: NA
Safe Deposit Box	Percentage: NA	Score: NA	Rating: NA
Teller Functions/Cash Counts	Percentage: NA	Score: NA	Rating: NA
Vault Controls	Percentage: NA	Score: NA	Rating: NA
Wire Controls	Percentage: NA	Score: NA	Rating: NA
Anti-Money Laundering Compliance	Percentage: 100.0	Score: 10	Rating: Excellent
Operating Overview	Percentage: 100.0	Score: 10	Rating: Excellent

**BCCR Teller Sections**

Compliance	Percentage: NA	Score: NA	Rating: NA
Center Security	Percentage: 100.0	Score: 10	Rating: Excellent
Consignment Items	Percentage: 50.0	Score: 0	Rating: Unsatisfactory
Standard Authority Limits	Percentage: 100.0	Score: 10	Rating: Excellent
New Account Controls	Percentage: NA	Score: NA	Rating: NA
Night Deposit/Package Forward	Percentage: 100.0	Score: 10	Rating: Excellent
Proof Work	Percentage: 46.2	Score: 0	Rating: Unsatisfactory
Safe Deposit Box	Percentage: NA	Score: NA	Rating: NA
Teller Functions/Cash Counts	Percentage: 68.2	Score: 1	Rating: Unsatisfactory
Vault Controls	Percentage: 100.0	Score: 10	Rating: Excellent
Wire Controls	Percentage: NA	Score: NA	Rating: NA
Anti-Money Laundering Compliance	Percentage: 70.6	Score: 2	Rating: Unsatisfactory
Operating Overview	Percentage: NA	Score: NA	Rating: NA

As a reminder, all action plans are to be forwarded to Market Management within 3 business days if the score is 0-4/within 10 business days if the score is 5-10. Any questions may be directed to the BCCR Team Manager or Market Management.

Please do not reply to this email.

**National BCCR Team**

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Davette Esparza Person Number 29194835  
06-13-2011  
Consumer Bank  
Banking Center Manager II Wheatland and I-20

**Administered By: Roderick Wilson**

**Written Warning – Failure to Meet Performance Expectations**

This is a written warning to address your failure to meet performance expectations in the area of:

**Manages Risk**

Manages risks while ensuring optimal value and outcomes are achieved.

- 8. Addresses and escalates concerns/issues with a sense of urgency
- 9. Anticipates and deliberately manages risk and reward tradeoffs
- 10. Ensures risks taken correspond to the level of risk appetite defined for the business
- 11. Ensures the proper risk disciplines are in place and takes action to ensure appropriate resolution

**Drives Operational Excellence**

Demonstrates a bias for action and a commitment to achieving sustainable results.

- 12. Creates accountability for the achievement of results
- 13. Holds self and others accountable for high performance standards
- 14. Makes timely and fact-based decisions
- 15. Removes barriers to operational excellence

by delivering a 6, or 86.5, with 15 risk areas, 3 of them being repeatable findings on your physical review. You have been provided with the necessary tools to have success in the operations space. The tools that have been provided are BCICR process, weekly operations call, pro updates, teller defect tool and platform defect tool.

Your failure to meet expectations is as follows:

- Davette delivered a 6 (86.5%) with 15 risk areas, 3 of them being repeatable.
- Davette was instructed by Rod Wilson (CMM) to sit down with every associate in the banking center to test knowledge and understanding of the questions. This had not been completed in the time frame given. 5 BCCR questions were missed on the review.
- 3.1.2 Consignment Item Inventory- Debit cards last audited on Feb 8<sup>th</sup>, uncovered on the physical review 06/09/2011 that there were 20 debit cards missing.
- 3.1.3 Loan disbursement checks were supposed to be destroyed per a BCO article on April 28<sup>th</sup>. This has not been done as of June 9<sup>th</sup> 2011.
- 5.1.2 New Account Opening Procedures- Davette/Thomas inability to accurately review new account documents during the MTC.
- 6.1.2 Night Drop Opening Procedures/Record Log – Night drop procedures were not followed accurately during opening procedures which put the bank at risk for loss of funds.
- 9.1.5 Surprise Cash Count Procedures- Cash counts were not conducted per pro at the Wheatland banking center. This procedure has been covered in numerous leader calls and leader meetings.

You are expected to meet all of the expectations in the role of Banking Center Manager. You are expected to deliver a 93% or higher on your next physical review. You are expected to use all of the tools provided to deliver operational excellence in your store. Tools that have been provided are BCICR process, weekly operations call, pro updates, teller defect tool and platform defect tool.

You must also comply with all Bank of America policies, procedures, guidelines and conditions of employment, including but not limited to those set forth in the Associate Handbook and Bank of America Corporation Code of Ethics.

You are expected to demonstrate immediate and sustained improvement in the areas specifically addressed concerning your performance, and to comply with the policies, procedures, guidelines and conditions of



**BOA000914**



employment set forth above. Failure to meet expectations may result in further disciplinary action up to and including termination.

A copy of this document will be placed in your Corporate Personnel file.

  
(Associate Signature)

6-13-11  
(Date)

Roderick Wilson  
(Manager Signature)

06-13-2011  
(Date)

Associate Comments:

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BOA000915

Davette Esparza Person Number 29194835  
08-13-2011  
Consumer Bank  
Banking Center Manager II Wheatland and I-20

**Administered By: Roderick Wilson**

**Final Written Warning – Failure to Meet Performance Expectations**

This is a Final Written Warning to address your failure to meet performance expectations in the area of:

By continuing to not complete task on time given by your CMM during Initial and Follow up Store Visits. You have been provided with the necessary tools to have success in the BCM role. The tools that have been provided are weekly leadership calls, initial visits, and follow up visits.

Your failure to meet expectations is as follows:

- Davette had not completed the appropriate amount of seller observations as discussed during Initial store visit conducted on May 17, 2011. CMM conducted a follow up visit on July 7<sup>th</sup> and uncovered that there were only 13 observations performed in the store over the last 45 days.
- Davette has missed 4 weekly deadlines for on time completion of and loading readiness assessments during the month of June and early part of July.
- During my July 7<sup>th</sup> follow up visits, CMM asked Davette to come up with an Action Plan around her professional treatment scores that had been trending down for the last several weeks. CMM asked that this plan be emailed no later than Monday July 11, 2011. Davette did not email the plan until July 14 2011.
- **Judgment.** Leaving the banking center unattended without a supervisor being present to handle overrides, customer request, and in case of bank robbery.
- Davette has failed to meet Leadership model standards as follows:
  - Applies learning from past experiences in order to improve in the future
  - Remains positive and focused during times of pressure or adversity
  - Is resilient and quickly adjusts behaviors needed to be successful
  - Models and Reinforces Our Company's Values**
  - Demonstrates visible commitment to the bank's core values.
  - Demonstrates behaviors consistent with the bank's core values
  - Manages Risk**
  - Manages risks while ensuring optimal value and outcomes are achieved.
  - Addresses and escalates concerns/issues with a sense of urgency
  - Anticipates and deliberately manages risk and reward tradeoffs
  - Ensures risks taken correspond to the level of risk appetite defined for the business
  - Ensures the proper risk disciplines are in place and takes action to ensure appropriate resolution

You are expected to meet all of the expectations in the role of Banking Center Manager. You are expected to lead the store to success with sales, service, and operations. You are expected to use all of the tools provided to make sound leadership decisions in store. Tools that have been weekly leadership calls, initial visits and follow up store visits.

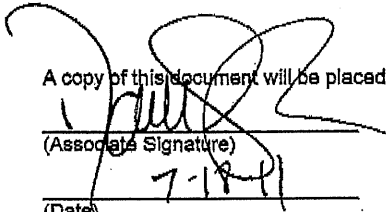
You must also comply with all Bank of America policies, procedures, guidelines and conditions of employment, including but not limited to those set forth in the Associate Handbook and Bank of America Corporation Code of Ethics.

You are expected to demonstrate immediate and sustained improvement in the areas specifically addressed concerning your performance, and to comply with the policies, procedures, guidelines and conditions of employment set forth above. Failure to meet expectations may result in further disciplinary action up to and including termination.

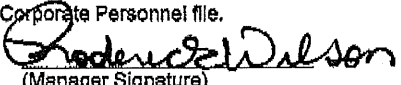


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A copy of this document will be placed in your Corporate Personnel file.

  
(Associate Signature)

7-18-11  
(Date)

  
(Manager Signature)

7-18-2011  
(Date)

**Associate Comments:**

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BOA000913



This is what

FAILURE

looks like...



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**WHEATLAND II-20**

**BCCR SCORE**

**89.6 or a 6**

**15 Findings**

**3 Repeat Findings**



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**BOA000666**

**WHEATLAND II-20****Reportable Findings :**

Section Name/#	1.6 Compliance: Reg P	
Question #	1.6.3	Prev Consecutive RF 1
Question	Were banking center associates knowledgeable of how to process customer 3rd party sharing (Credit Cards and Sponsored Accounts) opt out requests? (Test 2 Platform)	
Details		
Worksheet : INTERVIEW QUESTIONS		
Name	Position	Details
Valdez	PB	Melody did not answer the knowledge assessment question correctly regarding how to process customer 3rd party sharing (Credit Cards and Sponsored Accounts ) opt out requests.
Banking Center Action Plan:		
Section Name/#	1.11 Compliance: Fair Lending	
Question #	1.11.2	Prev Consecutive RF 0
Question	Were associates knowledgeable of the required behaviors to ensure adherence to Fair Lending laws and regulations when discussing credit products with applicants? (Test 2 Platform)	
Details		
Worksheet : INTERVIEW QUESTIONS		
Name	Position	Details
Valdez	PB	Melody did not answer the knowledge assessment question correctly regarding the required behaviors to ensure adherence to Fair Lending laws and regulations when discussing credit products with applicants.


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**WHEATLAND II-20**

<b>Section Name/#</b>		<b>2.3 Key and Combination Logs</b>	
<b>Question #</b>	<b>2.3.2</b>	<b>Prev Consecutive RF</b>	<b>0</b>
<b>Question</b>	Were all duplicate/back up keys/combinations to compartments that house cash, negotiable items or sensitive items kept in a dual control key box or other dual control container and secured in a vault or safe overnight and were they placed on a key tag or in separate envelopes and labeled with the name of the protected area (i.e. teller cash box, compartment, etc)?		
<b>Details</b>			
The banking center was unable to locate duplicate/back up keys/combinations that house cash, negotiable, or sensitive items. Teller sleeve #6.			
<b>Banking Center Action Plan:</b>			
<b>Section Name/#</b>		<b>3.1 Consignment Item Inventory</b>	
<b>Question #</b>	<b>3.1.2</b>	<b>Prev Consecutive RF</b>	<b>0</b>
<b>Question</b>	Did physical inventory of reserve/vault/shared (central working) supplies of consignment item Cashiers Checks/Official Checks, Money Orders and Temporary Debit Cards balance to current BICS or logs?		
<b>Details</b>			
<b>Worksheet : CONSIGNMENT ITEMS INVENTORY DIFFERENCES</b>			
<b>Name</b>	<b>Position</b>	<b>SERIAL #</b>	<b>Details</b>
Reserve	BC Reserve Supply		Missing 20 Personal Debit cards from the vaults reserve supply.
<b>Banking Center Action Plan:</b>			
<b>Question #</b>	<b>3.1.3</b>	<b>Prev Consecutive RF</b>	<b>0</b>
<b>Question</b>	Does the banking center inventory records support the integrity of control over the negotiable items inventory?		
<b>Details</b>			
Loan Disbursement Checks- The banking center had not yet completed the destruction and is required to complete the function within 3 business days of this exit interview.			


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**WHEATLAND II-20**

Section Name/#	5.1 New Account Opening Procedures	
Question #	5.1.20	Prev Consecutive RF 0
Question	Were all small business/trust accounts titled accurately listing the appropriate legal designation per PRO Guidelines?	
Details		
Worksheet : New Accounts Review (RD)		
Account #		
2259	Details Missing the Partners names in the title of a General Partnership account opened by Melody. (04/11/11)	
Section Name/#	5.2 Online Banking	
Question #	5.2.1	Prev Consecutive RF 0
Question	Were the banking center associates knowledgeable of Online Banking Enrollment Procedures for a personal account? (Test 2-Platform/SSS/AM/BCM)	
Details		
Worksheet : INTERVIEW QUESTIONS		
Name	Position	
Sanders	SSS	
Details Charnetta did not answer the knowledge assessment question correctly regarding Online Banking Enrollment Procedures for a personal account.		
Section Name/#	6.1 Night Drop Opening Procedures/Record Log	
Question #	6.1.2	Prev Consecutive RF 0
Question	Were night drop opening procedures completed as outlined in PRO to include closing and locking the night deposit vault after all contents had been removed under dual control?	
Details		
Associate did not check the night drop for evidence of tampering prior to removing the contents.		
Section Name/#	7.3 Endorsements/Signatures	
Question #	7.3.1	Prev Consecutive RF 0
Question	Did checks/counter items, less cash deposits, and savings withdrawals evidence proper endorsement/signature?	
Details		
Worksheet : PROOF WORK		



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**WHEATLAND II-20**

<b>Section Name/#</b>		<b>7.4 Approvals</b>	
<b>Question #</b>		<b>7.4.1</b>	<b>Prev Consecutive RF</b>
<b>Question</b>		Were all appropriate approvals obtained?	<b>0</b>
<b>Details</b>			
<b>Worksheet : PROOF WORK</b>			
<b>Name</b>	<b>Position</b>	<b>Details</b>	
Hayward	TLR	Missing supervisor approval for a 3rd party check accepted for deposit. (\$50.00)	
Williams	TLR	Missing supervisor approval for a check accepted for deposit. (\$40,000.00)	
Williams	TLR	Missing supervisor approval for a 3rd party check cashed. (\$118.97)	
<b>Section Name/#</b>		<b>9.1 Surprise Cash Count Procedures</b>	
<b>Question #</b>		<b>9.1.4</b>	<b>Prev Consecutive RF</b>
<b>Question</b>		Were appropriate teller surprise cash counts performed in the prior month to ensure compliance to PRO requirements?	<b>0</b>
<b>Details</b>			
Surprise cash count(s) was conducted prior to the teller(s) completing End of Day settlement or EOD out of balance cash count(s) was used as the Surprise Cash Count.			
<b>Question #</b>		<b>9.1.5</b>	<b>Prev Consecutive RF</b>
<b>Question</b>		Was cash for all tellers and cashboxes counted per current PRO requirements by a member of the banking center management team or designee within the quarterly time frame and did documentation reveal no discernable pattern being established?	<b>0</b>
<b>Details</b>			
Approximately 1/3 of all required cash counts were not performed each month.			
Required cash count minimums were not completed during the quarter.			


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**WHEATLAND II-20**

Section Name/#	9.2 ATM Servicing Review		Prev Consecutive RF	1
Question #	9.2.1			
Question	Were all ATM machines balanced per current PRO or market specified timeframes and did ATM Records or equivalent show evidence of the ATM totals and required custodian signature(s)?			
<b>Details</b>				
Worksheet : Sample Selection Summary (RD)				
Name	Position	Teller #	Details	
ATMITXN		1920	Atm was not balanced during the week of the 3rd Monday in April.	
Section Name/#	13.3 Compliance: BSA/AML Associate Knowledge			
Question #	13.3.9		Prev Consecutive RF	0
Question	Were associates knowledgeable of and able to correctly identify indicators of money laundering? (Test 2 Tellers)			
<b>Details</b>				
Worksheet : INTERVIEW QUESTIONS				
Name	Position	Details		
Velasco	TLR	Esveidi did not answer the knowledge assessment question correctly to identify indicators of money laundering.		
Section Name/#	14.6 What's My Balance			
Question #	14.6.1		Prev Consecutive RF	2
Question	Were associates knowledgeable of What's My Balance? (Test 3- 1 Teller/ 1 Platform/ 1 BC Leader)			
<b>Details</b>				
Worksheet : INTERVIEW QUESTIONS				
Name	Position	Details		
Mungia	AM	Thomas did not answer the knowledge assessment question correctly regarding the What's My Balance Program.		
Velasco	TLR	Esveidi did not answer the knowledge assessment question correctly regarding the What's My Balance Program.		

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**Bank of America Associate Handbook 2010****Leaves of Absence, Disability,  
and Workers' Compensation****Requesting FMLA Leave****Advance notice**

Contact the Leaves Administrator to initiate a leave of absence. You must provide sufficient information for the Leaves Administrator to determine if the leave may qualify for FMLA protection, as well as the anticipated timing and duration of the leave. Aetna is the Leaves Administrator for Bank of America. Contact Aetna at **1.877.444.1012**.

- You must give 30 days advance notice to the manager and the Leaves Administrator for a foreseen leave. When the need for leave is not foreseeable, you must provide notice within two working days of becoming aware of the need for an unforeseen leave. Generally, you must comply with the normal call-in procedures for your line of business.
- In situations involving leave for a medical condition, you must make every reasonable effort to schedule medical treatment or care so that it does not disrupt Bank of America's operations.
- If you believe an absence qualifies you for job protection, you should notify your manager. You do not need to disclose a diagnosis or medical information when doing so.
- You should confirm your plans, including the length of the leave, with your manager.

**Certification requirements**

- Once the leave has been initiated, the required health care provider certification and request forms must be completed and returned to the Leaves Administrator within 15 days. Failure to request the leave or complete the required documentation in a timely fashion could result in a denial of the leave request or delay of the leave start date. You must follow the specific requirements of your line of business (LOB) regarding reporting an absence. If the leave is to care for a family member, including a child, parent or spouse, your certification must state that you are needed to care for the family member and provide an estimate of the time you will be needed to provide care or assistance.
- If the Leaves Administrator has any reason to doubt the initial certification, your health care provider (or your family member's provider) may be contacted directly for verification or clarification purposes. Before the Leaves Administrator makes this direct contact with the health care provider, you will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with medical privacy rules, the Leaves Administrator will obtain your permission for clarification of individually identifiable health information.
- The Leaves Administrator may request re-certification of the need for FMLA leave under certain circumstances. Re-certification may be requested at reasonable intervals but in no event more frequently than once every 30 days unless you request an extension of leave; circumstances described by the previous certification have changed significantly (i.e., the duration or frequency of the absence, the nature or severity of the illness, complications); or the Leaves Administrator receives information that casts doubt upon your stated reason for the absence or the continuing validity of the certification.
- Failure to cooperate in a request for re-certification could result in the Leaves Administrator revoking its approval of the leave.
- When you submit a medical certification or re-certification for FMLA leave, the Leaves Administrator may, at its own expense, require you to be examined by a second health care provider of the Leaves Administrator's choosing. If necessary to resolve a conflict between the original certification and the second opinion, the Leaves Administrator may, at its expense, require you to obtain a third, final and binding certification from a jointly selected provider. The Leaves Administrator may deny FMLA leave to an associate who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion.

**Benefits and protections while on approved leave**

During FMLA leave, Bank of America must maintain health coverage under any group health plan on the same terms as if an associate had continued to work. Upon return from FMLA leave, most associates will be restored to their original or equivalent positions with equivalent pay, benefits, and other terms and conditions of employment. Use of FMLA leave cannot result in the loss of any employment benefit that occurred prior to the start of a FMLA leave.

**Return to work**

Bank of America may require an associate on leave, including FMLA Leave, to report periodically on his or her status and intent to return to work. If you are able to return to work earlier than anticipated, you must provide the Leaves Administrator with at least two business days' notice. You are expected to return to work on the first business day immediately following the conclusion of a leave. Bank of America reserves the right to require a medical release from the treating health care provider and/or a health care provider selected by Bank of America before you can return to work. Failure to return to work immediately following leave may result in disciplinary action, up to and including termination. If while on leave, you make a decision not to return to work at Bank of America, you must notify your manager as soon as possible.

If you are eligible to take leave under federal (i.e., FMLA) or state law, you will have job protection under the applicable law. If you do not have job protection under the law, you may be eligible to receive job assistance when you return from leave. If you are eligible for job assistance, Bank of America may provide you time and resources to pursue another position at Bank of America, although there is no guarantee you will be selected for another position. If you do not locate a job by the end of the job search period, your employment may be separated.

166



Esparza 168

**CONFIDENTIAL****BOA000871**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**DAVETTE ESPARZA,**

**Plaintiff,**

**v.**

**BANK OF AMERICA, N.A.  
and RODERICK WILSON,**

**Defendants.**

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§  
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§  
§

**CIVIL ACTION NO. 3:12-cv-00662-D**

**DECLARATION OF RODERICK WILSON**

I, Roderick Wilson, pursuant to 28 U.S.C. § 1746, hereby state and declare as follows:

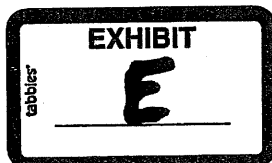
1. I am over the age of 18. I have personal knowledge of the facts set forth in this Declaration and could testify competently regarding the facts below.

2. I am currently a Consumer Market Manager for Bank of America, N.A. ("the Bank") in Dallas, Texas. In this position, I am responsible for fourteen banking centers. While I am in frequent contact with the Banking Center Managers at each of by Banking Centers, I travel to the Banking Centers only periodically.

3. In regards to the Banking Center Mangers in the banking centers I am responsible for, I do not supervise or control their work schedules, determine their rate of pay, maintain their employment records, or otherwise control their conditions of employment.

4. In 2011 on of the Banking Center Managers who reported to me was Davette Esparza who was the Banking Center Manager for the Wheatland Banking Center. At the time, I reported to Melissa Gonzalez, who was the Consumer Market Executive.

5. On July 7, 2011, I visited the Wheatland Banking Center. During my visit I discovered that Ms. Esparza had conducted less than one third of the number of seller



observations that she was required to do. This was particularly concerning because I had visited her banking center on May 17, 2011 and found she had not conducted the requisite number of seller observations and issued her a verbal warning for failing to complete them.

6. During my July 7 visit I requested that Ms. Esparza come up with an action plan around her declining professional treatment scores and deliver it to me by July 11. Ms. Esparza did not provide me with the action plan until June 14.

7. On July 8, 2011, Thomas Mungia called me to express concerns about Ms. Esparza's leadership at the Banking Center and report complaints made to him by other associates about Ms. Esparza. Specifically, he reported that she was interviewing for other jobs during working hours, leaving the banking center unattended without a supervisor to perform overrides, and was missing weekly leadership meetings. Attached as Exhibit 1 to my Declaration is a true and accurate copy of the notes regarding Ms. Esparza conduct provided to me by Mr. Mungia.

8. As a result of Mr. Mungia's call, I conducted a touch point of the Wheatland Banking Center by interviewing ten of the banking center's associates. Four of the associates confirmed that Ms. Esparza had left the banking center unattended on multiple occasions and that customers had to be turned away as a result. The associates also shared other concerns about Ms. Esparza's leadership including that she screamed at associates in front of others, and harassed associates who called in sick. Attached as Exhibit 2 to my Declaration is a true and accurate copy of the notes I made during my interviews of the Wheatland Banking Center associates in June of 2011.

9. As a result of Ms. Esparza's continued poor performance, failure to meet deadlines, and the numerous concerns raised by her staff, Ms. Gonzales and I issued Ms. Esparza a final written warning on July 18, 2011.

10. In August of 2011, I learned that the Wheatland Banking Center had incurred a \$2,240 loss as a result of a fraudulent transaction. The loss was caused when an individual impersonating a customer was allowed to use an improper form of identification. The Bank has policies and procedures that specify what types of identification are acceptable, and the identification presented was not acceptable.

11. I had a long conversation with Ms. Esparza about this transaction. She informed me it was the fault of a teller who accepted the improper identification and approved the transaction. I told her to discuss it with Advice and Counsel, but that I thought termination or some other form of disciplinary action should be taken against the teller.

12. On August 24, 2011, I spoke with Mr. Mungia about the \$2,240 loss. Mr. Mungia informed me that Ms. Esparza had instructed him to issue the teller a final written warning, but that he was uncomfortable administering the warning because Ms. Esparza had approved the transaction. I immediately requested a copy of the transaction and discovered Ms. Esparza's NBK on it which confirmed that she had approved the transaction. This caused me to have serious concerns about Ms. Esparza's judgment and trustworthiness because during our long conversation she had not once mentioned to me that she was in any way involved with the transaction. Moreover, she had instructed Mr. Mungia to issue a final written warning to a teller for something she had approved.

13. I called Advice and Counsel to report the situation and to get advice on how to respond. I decided not to make a final decision regarding what disciplinary action to take against

Ms. Esparza because I was aware of a pending Corporate Security's investigation into whether Ms. Esparza had opened an account under another associate's NBK.

14. On September 2, 2011, a mock audit of the Wheatland Banking Center was conducted. If the audit had been a Banking Center Control Review (BCCR) it would have resulted in fourteen findings and a failing score. Attached as Exhibit 3 to my Declaration are true and accurate copies of an email from Doris Williams containing the findings of the mock audit and an email from me to Davette discussing the results of the September 2, 1022 mock audit. Ms. Esparza's conduct surrounding the \$2,240 loss, previous warnings regarding her performance, and these mock audit results confirmed to me that she lacked the judgment necessary to be a Banking Center Manager. Again, however, I decided to wait until the outcome of the Corporate Security investigation before taking any action against Ms. Esparza.

15. On September 16, 2011, I spoke to Senior Fraud Investigator, Cheri Lollman, and the Bank's Advice and Counsel department concerning the outcome of the corporate security investigation. Ms. Lollman told me she had concluded that Ms. Esparza had opened an account under another associate's NBK. She told me that as part of her investigation she had interviewed the customer for whom the account was opened, and that the customer identified Ms. Esparza as the person who opened it for her. The Advice and Counsel representative recommended that Ms. Esparza be terminated as a result of the investigation and Ms. Lollman concurred in this recommendation.

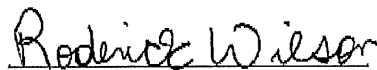
16. On September 16, 2011, I met with Ms. Esparza in her office and terminated her employment.

17. Attached as Exhibit 4 to my Declaration is an email from Doris Williams listing the findings of the mock audit of the Wheatland Banking Center conducted in May of 2011.

18. Attached as Exhibit 5 to my Declaration is a copy of the results of Ms. Esparza's 2011 performance reviews.

I declare that under the penalty of perjury under the laws of the United States of America the foregoing is true and correct.

Executed on this 14th day of December, 2012, at Dallas, Texas.

  
Roderick Wilson



16

05/31

Left for 2 – 3 hours to go to a school function for her child.

06/01

Left for 2 hours to go to a school function. She was upset that she couldn't make it because of traffic.

06/02

Left at 5:45, scheduled till 6:15 and left Audrey as a supervisor with authority limit of 5000.00. Went to her sons school function

Davette had Brittany lobby leading for an hour as she held a phone interview with chase during work hours. She told Brittany "don't worry, I will bring you with me"

06/13

Davette told me that she was going to an interview with Chase. She was going to the interview in hopes that they were going to pay her 75k. That was immediately after our meeting with the market about us failing audit.

06/14

Gabby told me during lunch that immediately after the MPM left, that Davette left the bank and had lunch. She left Audrey (override auth 5000.00) here, although Audrey was scheduled for lunch and left. No one was in the banking center for over rides. Huge customer impact.

06/15 11:42

Davette called and said that she got a shot that was going to affect her doing her job. Her back and her hip was in pain. She wanted to call the Admin although, I advised her to call Rod. She mentioned that she was not going to be in till possibly Friday.

She told Brittany that she wanted to go to her fiancé's cousin's wake. She mentioned that they had an event for the death tonight and something tomorrow as well.

06/16

Did not come into work. I called Rod and he had no idea. Didn't find out until 11-12 that she wasn't coming in.

07/2

She wasn't going to come in. Friday 7/1 - When we had the conversation about Alyssa having off on Saturday she got defensive and said that she wasn't coming in and that Alyssa was not going to have that Saturday off. She was going to have it off. She came in at 10:30 Saturday morning. I called her that morning and told her that we will need her. She left at 2:15. Didn't tell me bye, just left.

07/04

Text me saying "Happy 4<sup>th</sup> of July! I wanted to remind you that I'll be in @ 1:30 tomorrow. I'll be there till closing. It's up to you if you and Brittany want to continue or post pone the Leader Meeting. Y'all are both scheduled for 8am. Call me if need." My response, " Happy independence day to u as well! We'll still have the meeting in the am. Enjoy your evening."



ET16

BOA000023

Notes from the Wheatland Touch Point  
06/ 12-13/2011

Brenda Rodea 7/12

1. How long have you been an associate at Bank of America? 2 years
2. When do you normally get your work schedule for July? Brenda received her work schedule during the last week of June, but the schedule changes numerous times after it is given out.
3. What makes you excited to work at Bank of America? The opportunity to learn and try new things.
4. What challenges do you see in the banking center with fellow associates and banking center leadership? Some of the associates at the banking center are negative and not focused on what's important.

Audry Turner

1. How long have you been an associate at Bank of America? 6 years
2. When do you normally get your work schedule for July? Audry mentioned that she received her schedule a few days prior to July.
3. What makes you excited to work at Bank of America? Audry wants leadership support to help grow her career.
4. What challenges do you see in the banking center with fellow associates and banking center leadership? No complaints.

Gabriella Cruz.

1. How long have you been an associate at Bank of America? 1 year
2. When do you normally get your work schedule for July? Gabriella mentioned that she received her schedule a few days prior to July. Team needs better scheduling to make sure that the right individuals are opening the store together.
3. What makes you excited to work at Bank of America? Positive attitudes.
4. What challenges do you see in the banking center with fellow associates and banking center leadership? No complaints.
5. Gabriella mentioned that BCM has left the banking center on several occasions to go to lunch with no supervisor left in the banking center to perform overrides. Associates had to turn customers away.

Esveidi Velasco

1. How long have you been an associate at Bank of America? Since December.
2. When do you normally get your work schedule for July? Esveidi mentioned that she received her schedule a few days prior to July.
3. What makes you excited to work at Bank of America? Team support.
4. What challenges do you see in the banking center with fellow associates and banking center leadership? No challenges.
5. Have you ever worked at the banking center without a supervisor present? No.

Charnetta Sanders

1. How long have you been an associate at Bank of America? August 2008
2. When do you normally get your work schedule for July? Gabriella mentioned that she received her schedule a few days prior to July.
3. What makes you excited to work at Bank of America? Positive attitudes.
4. What challenges do you see in the banking center with fellow associates and banking center leadership? Some of the associates on the team struggle with giving and receiving coaching.
5. Have you ever worked at the banking center without a supervisor present? There were a few occasions when the BCM left the store to take lunch without there being a supervisor present. They would call the BCM and she would return from lunch to perform overrides.



BOA000071

Melody Valdez

1. How long have you been an associate at Bank of America? 14 years
2. When do you normally get your work schedule for July? Melody mentioned that she received her schedule a few days prior to July.
3. What makes you excited to work at Bank of America? Comfort level coming to the same company every day.
4. What challenges do you see in the banking center with fellow associates and banking center leadership? Davette, BCM, became upset with the associate over a customer issue, BCM screamed at the associate in front of the teller associates. Melody stated that she called personnel to document the situation. Melody contacted me on July 1, 2011 to explain how the BCM earlier that morning had coached her pretty aggressively in front of her peers.
5. Customer Feedback is that there are not enough associates to help the customer traffic.
6. Have you tried to coach the BCM to improve working situation. Melody was afraid to coach the BCM because she felt the BCM would get defensive. Melody discussed the issue with Thomas, the assistant manager.

Brittany Salazar

1. How long have you been an associate at Bank of America? March 2010
2. When do you normally get your work schedule for July? Brittany mentioned that she received her schedule a few days prior to July.
3. What makes you excited to work at Bank of America? Career growth.
4. What challenges do you see in the banking center with fellow associates and banking center leadership? Not given time or support from the BCM manager to get her job done. When TOS has questions about her job and how to perform certain duties BCM cannot answer. TOS wants to know why the BCM takes days off when she knows the AM is already scheduled off. TOS also stated that on several occasions the BCM would leave the store with no supervisory support for banking center. TOS stated she was left to run the banking center by herself on several occasions. TOS wanted to know if the AM has shared with me the documented notes of events from the store regarding Davette. TOS stated that AM sits at the computer station on the lobby floor when she is lobby leading. TOS mentioned that she called in sick on Monday due to migraines. BCM called several times and text the TOS several times to try and make her come to work. TOS became so frustrated with the treatment that she called personnel to document.

Rey Hernandez

1. How long have you been an associate at Bank of America? 6 years
2. When do you normally get your work schedule for July?
3. What makes you excited to work at Bank of America? Works close to his house.
4. What challenges do you see in the banking center with fellow associates and banking center leadership? Not enough associates on the teller side to help the customers.
5. Ray mentioned that the BCM sits in a chair in the lobby while lobby leading.

Adam Hayward

1. How long have you been an associate at Bank of America? 9 months
2. When do you normally get your work schedule for July? A few days prior to the month starting.
3. What makes you excited to work at Bank of America?
4. What challenges do you see in the banking center with fellow associates and banking center leadership? BCM has left the store on several occasions without leadership in the store. They have had to turn customers away.

**BOA000072**

Ramon Williams

1. How long have you been an associate at Bank of America? November 2010
2. When do you normally get your work schedule for July? A few days prior to the month starting.
3. What make you excited to work at Bank of America?
4. What challenges do you see in the banking center with fellow associates and banking center leadership?  
No challenges, solid work environment.

**BOA0000073**

**To:** Wilson, Roderick E; Wright, Angela D; Salazar, Brittany  
**Subject:** RE: Wheatland & I-20 mock audit - Read Now

Yes, Sir... We (Me, Angela and Brittany) met last week and this morning regarding the recent Mock Audit. We have already implemented some new procedures to mitigate risk. Angela is working closely with Brittany to get the Proof Audits, Guest Observations and Action Plans together for all the Tellers. She has also been observing some the "Opportunity Tellers," and will speak to them one-on-one regarding their performance and referrals. I am also continuing to question all associates on the BCCR Interactive Tools.

We understand the importance of all our Physical Review Scores, especially this next one. We won't let you down Rod and we definitely won't let our Team down..

*Davette D. Espanza*

Banking Center Manager II / Officer  
 Wheatland & I-20 Banking Center  
 972-283-5154

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**From:** Wilson, Roderick E  
**Sent:** Tuesday, September 06, 2011 4:12 PM  
**To:** Espanza, Davette; Wright, Angela D; Salazar, Brittany  
**Cc:** Wilson, Roderick E  
**Subject:** RE: Wheatland & I-20 mock audit - Read Now

Davette I am very concerned about the items uncovered in last week's mock review. The mock review demonstrates a lack of attention to the operational details. Based on the review last week your store would have incurred 14 findings which would have been your 2<sup>nd</sup> consecutive score below a 7. The operational trends are unacceptable and they must improve. Do to heightened risk awareness our company has raised the minimum expectations for a passing score to 92% which is a 7. My minimum expectations for your store has not changed. Davette, I expect you to lead this store to an 8 or higher on the upcoming review. I will pull up with this week to discuss your plans to improve an sustain the operational results in your store.

BICS	no	B.C. did not following PRO for shipment of cashier cks & money orders received on 7/28/11. Print the VACK screen showing the acknowledged serial numbers with the message 64000 ACTION SUCCESSFUL.
Customer Authentication Forms	no	8/23/11 by Charnetta missing domiciling state of existing acct. reviewed 8/22/11-8/31/11
Proof Work Review	no	tlr #4 cashed a 3rd party check for \$218 w/o mgr approval; tlr #4 accepted a deposit on counter deposit slip for \$654.69 w/an incomplete acct # ;tlr #3 cashed a check for \$1297 w/incorrect 2nd Id w/o mgr approval.



BOA000091

Surprise Cash Counts	no	9 cash boxes/total 7 counts QTD: August(4), July(3). 8/10/11 count on tlr #2 no initials on changes, 7/20/11 missing tlr#1 teller stamp
Teller Cash Limits	no	A supervisor is not reviewing & signing the cash box list as per PRO.(Sr, Teller - Brenda is 7/18/11- 9/2/11), 7/5/11 tlr #8 ended w/ \$64,715.17 as reviewed was not performed according to PRO.
Wires	no	8/19/11 wire for \$4000, section II has incomplete fax #, 8/8/11 wire for \$170 , section VII has no approval

Roderick Wilson  
CMM-Vice President  
Central DFW - Southside Area  
2011 American Heart Walk Co Chair  
N Texas Black Professional Group - Program Chair  
972-374-4313 Office  
904-312-6337 Fax  
817-614-0951 Cell

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■ Embrace the power of our people ■ Promote opportunity

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**From:** Williams, Doris  
**Sent:** Friday, September 02, 2011 3:23 PM  
**To:** Wilson, Roderick E  
**Cc:** Esparza, Davette; Wright, Angela D; Salazar, Brittany  
**Subject:** Wheatland & I-20 mock audit

The following are findings that were identified during my mock review:

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**REDACTED**

**From:** Williams, Doris  
**Sent:** Friday, September 02, 2011 3:23 PM  
**To:** Wilson, Roderick E  
**Cc:** Esparza, Davette; Wright, Angela D; Salazar, Brittany  
**Subject:** Wheatland & I-20 mock audit

The following are findings that were identified during my mock review:

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**Market BCCR Review**  
**Banking Center Name: Wheatland & I-20 CC#5454**  
**Date: September 02, 2011**

<b>Task</b>	<b>Correct (Yes/No)</b>	<b>Comments</b>
Review Last BCCR Exit	yes	6/9/2011
Review Virtual BCCR Dashboard	yes	report printed 7/22/2011 and signed off on 8/1/11 by mgmt
Virtual BCCR - 3 month score	no	May 82.1, June 92.9, July 98.1
Virtual BCCR - areas of opportunity and coaching	no	performance losses vs plan, teller cash differences
Alarm Code Control & Inventory Log		
Associate Authority Exceptions		
Associate Questions		
ATM Cash Counts	yes	balanced 8/18/11
BCICR Review	yes	mgmt reviewed 8/31/11 for August
BICS	no	B.C. did not following PRO for shipment of cashier cks & money orders received on 7/28/11. Print the VACK screen showing the acknowledged serial numbers with the message 64000 ACTION SUCCESSFUL.
Brochures/Welcome Kits Updated	yes	Reymundo reviewed 9/2/11
Business & Consumer Call Sheets & Scripting		
Buy/Sell Forms	yes	no findings
Cash Limits for RCC	yes	no findings
Cash Order Worksheets	yes	reviewed the month of August
Check Card/ATM Manifest Log		
Commit > than 10 days		
CRA Public File		
Current Staff List		
Customer Authentication Forms	no	8/23/11 by Charnetta missing domiciling state of existing acct. reviewed 8/22/11-8/31/11
Debit card funding	yes	only 1 on file
Electronic Signature Review		
FDES Weekly Report	yes	no findings
Handheld Alarm Log		
Handnet Disk Change	yes	8/1/11 according to bcicr log
Key & Combination Log		
Life Safety & Security Manual	yes	reviewed 4 emergency response guides in front pocket
Locking Terminals & Custody of Keys		

BOA000088

Lost and Found property	yes	no findings, last entry 6/18/10
Mail being sent to centers		
Marketing Materials		
Missing documentation/signature card report	yes	no findings
New Account Override Report		
New Account Shadow File (Review signature cards for accuracy in styling and completion)		
Night Drop Logs	yes	no findings
Opening/Closing Logs		
Pre-selected Credit card report	yes	no findings
Proof Work Review	no	tlr #4 cashed a 3rd party check for \$218 w/o mgr approval; tlr #4 accepted a deposit on counter deposit slip for \$654.69 w/an incomplete acct # ;tlr #3 cashed a check for \$1297 w/incorrect 2nd id w/o mgr approval.
QBD Logs	yes	no findings
RDD Screen Prints	yes	no findings
Regulatory Signage	no	no State All-In- One signage
Reserve Inventory log for Sole Control Vault or ATM	yes	RCC surprise counts 4 QTD: July (2) and August (1), Sept (1)
Review Legal Designation Screen		
Safe Deposit Box - Contracts & Entry Cards		
Safe Box Report- Closed boxes		
Safety Inspection Checklist	yes	8/1/11 & 4/4/11
Schedule Transfers	yes	no findings
Security Meetings	yes	reviewed June-August
Standard Authority Limits Quiz		
Surprise Cash Counts	no	9 cash boxes/total 7 counts QTD: August(4), July(3). 8/10/11 count on tlr #2 no initials on changes, 7/20/11 missing tlr#1 teller stamp
Teller Cash Counts	no	9/2/11 out of balance for tlr#7 missing when count was conducted, 8/3/11 out of balance tlr #3 missing teller stamp
Teller Cash Limits	no	A supervisor is not reviewing & signing the cash box list as per PRO.(Sr, Teller - Brenda is 7/18/11- 9/2/11), 7/5/11 tlr #8 ended w/ \$64,715.17 as reviewed was not performed according to PRO.
TCD		
Tellers Top Drawer		
Training on ALP		
Vault Bal Record	yes	no findings
Wires	no	8/19/11 wire for \$4000, section II has incomplete fax #, 8/8/11 wire for \$170 , section VII has no approval

BOA000089

**REDACTED**

**From:** Williams, Doris  
**Sent:** Thursday, June 02, 2011 5:27 PM  
**To:** Wilson, Roderick E  
**Cc:** Esparza, Davette; Mungia, Thomas; Salazar, Brittany  
**Subject:** Wheatland mock audit

The following are findings that were identified during my mock review:

Buy/Sell: 5/19/11 for \$9,400 missing seller teller#,  
5/24/11 for \$16,000 missing seller teller#,  
5/31/11 for \$14,650 missing AM/PM for \$10,000

Life Safety & Security Manual: Emergency Response Guide#1-4 and Post Emergency/ Delayed Opening Banking Center Checklist are out of date.

Pre-Selected Credit Card Signature Verification Process Report: No report pulled for 2nd half of May( 15- EOM) however bcicr log indicates it was completed on May 20.

Proof Work: 1 counter withdrawal had an incomplete account # and Tlr#3 cashed one check for \$80.00 without a supervisor approval on a 3<sup>rd</sup> party check and WGL was used for id.



**BOA000081**

RDD: Several had no response/additional supporting documentation for the following messages: Address verification needed, SSN verification needed, telephone verification needed and DL#: valid driver's license format

Surprise Cash Counts: 3 performed in April and 3 in May for 10 tellers. RCC had total of 3 QTD.

Wires: 5/5/11- \$9250 business wire missing on Section VII, Indicate Method of Sign.Verf.

5/11/11- \$132,348.33, Section VII, missing Signature verification: Type of account for personal (as required if \$10,000 or more) and Indicate Method of Signature Verification.

5/24/11- \$6200 was entered by Thomas but was not verified before the BFT shut-down time.

Associate questions: Quizzed 4 tellers, 1 PB & BCM: 1.11.2, 1.14.4, 2.4.9, 9.5.2, 13.3.5,

Thanks!

Doris

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Item	Total Value	Sub-Ratings Scale
1. I have a strong sense of purpose in my life.		
2. I have a strong sense of direction in my life.		
3. I have a strong sense of meaning in my life.		
4. I have a strong sense of fulfillment in my life.		
5. I have a strong sense of accomplishment in my life.		
6. I have a strong sense of satisfaction in my life.		
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8. I have a strong sense of well-being in my life.		
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16. I have a strong sense of kindness in my life.		
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18. I have a strong sense of understanding in my life.		
19. I have a strong sense of tolerance in my life.		
20. I have a strong sense of acceptance in my life.		
21. I have a strong sense of forgiveness in my life.		
22. I have a strong sense of patience in my life.		
23. I have a strong sense of humility in my life.		
24. I have a strong sense of gratitude in my life.		
25. I have a strong sense of awe in my life.		
26. I have a strong sense of wonder in my life.		
27. I have a strong sense of mystery in my life.		
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**Appx. 067**



[illegible]